

SENATE BILL 800

By Person

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 12 and Title 39, Chapter 13, relative to criminal penalties and criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 12, is amended by adding Sections 2 and 3 of this act as a new part:

SECTION 2. Definitions.

(a) "Acting in concert", as used in this section, means such conduct that would make one criminally responsible pursuant to Tennessee Code Annotated, §§ 39-11-401, 39-11-402, or 39-11-403.

(b) "Crime of force or violence" means any of the following felony offenses:

- (1) Second degree murder as defined in § 39-13-210;
- (2) Criminal attempt, first degree murder as defined in § 39-12-101 and § 39-13-202;
- (3) Criminal attempt, second degree murder as defined in § 39-12-101 and § 39-13-210;
- (4) Especially aggravated robbery as defined in § 39-13-403;
- (5) Aggravated robbery as defined in § 39-13-402;

(6) Robbery as defined in § 39-13-401; or

(7) Carjacking as defined in § 39-13-404.

SECTION 3. Engaging in violent criminal group activity.

(a) A crime of force or violence committed while acting in concert with two (2) or more other persons shall be classified one (1) classification higher than if it were committed alone. A Class A felony committed while acting in concert with two (2) or more other persons shall be classified as a Class A felony, however, the presumptive sentence shall be the maximum within the range.

(b) The indictment shall charge that the offense was committed while acting in concert with two (2) or more other persons.

(c) The sentence for this offense may be enhanced by the provisions of Tennessee Code Annotated, § 40-35-121, in addition to the enhanced sentence for violation of this section.

SECTION 4. If any provision of this act or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2003, the public welfare requiring it.